

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MEGAN KELLY,

No. C 07-3002 MMC

Plaintiff,

ORDER OF DISMISSAL

v.

APPLERA CORPORATION,

Defendant

The parties having advised the Court that they have agreed to a settlement of the above-titled action,

IT IS HEREBY ORDERED that plaintiff's claims alleged herein be dismissed without prejudice; provided, however, that if any party hereto shall certify to this Court, within ninety days, with proof of service of a copy thereon on opposing counsel, that the agreed consideration for the settlement has not been delivered, the foregoing order shall stand vacated and the action shall forthwith be restored to the calendar to be set for trial.

This dismissal is not intended to preclude plaintiff's filing a dismissal with prejudice as contemplated by the settlement agreement.

IT IS SO ORDERED.

Dated: August 25, 2008


MAXINE M. CHESNEY
United States District Judge